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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,019	10/10/2001	Craig Heyward	10370/32421	7307

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EXAMINER

PHAN, JOSEPH T

ART UNIT	PAPER NUMBER
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2645

DATE MAILED: 05/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,019

Applicant(s)

HEYWARD ET AL.

Examiner

Joseph T Phan

Art Unit

2645

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10 and 11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10 and 11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-8 and 10-11 rejected under 35 U.S.C. 102(e) as being anticipated
by Flick, Patent #6,512,465.**

Regarding claim 1, Flick teaches a method for providing status information from a mobile unit, comprising the steps of:

determining a report interval based upon broadcast status criteria that includes a plurality of programmable criterions wherein the programmable criterions and associated report intervals are alterable via remote commands and transmitting current status data at the report interval (col.8 lines 20-59, col.10 lines 17-67, and col.11 lines 6-55).

Regarding claim 2, Flick teaches the method of claim 1, wherein the step of determining the broadcast criteria includes determining if an external power source is currently connected to the mobile unit (col. 5 lines 19-25, col.7 lines 4-50 and col.11 lines 41-48).

Regarding claim 3, Flick teaches the method of claim 1, wherein the step of determining the broadcast criteria includes determining if an external sensor has changed status (col.8 lines 20-59, col.10 lines 56-67, and col. 11 lines 6-55).

Regarding claim 4, Flick teaches the method of claim 1, wherein the step of determining the broadcast criteria includes determining if the mobile unit has entered or exited a predetermined geographical zone (col.10 lines 17-55 and col.11 lines 49-55).

Regarding claim 5, Flick teaches the method of claim 1, wherein the step of determining the broadcast criteria includes determining if the mobile unit has triggered a preset alarm (col.8 lines 40-59).

Regarding claim 6, Flick teaches the method of claim 5, wherein the step of determining if the mobile unit has triggered a predetermined alarm includes determining if the mobile unit has exceeded a predetermined speed limit (col.8 lines 40-59 and col.11 lines 33-40).

Regarding claim 7, Flick teaches the method of claim 5, wherein the step of determining if the mobile unit has triggered a predetermined alarm includes determining if the mobile unit has exited a geographically defined zone (col.10 lines 17-55 and col.11 lines 49-55).

Regarding claim 8, Flick teaches the method of claim 5, wherein the step of determining if the mobile unit has triggered a predetermined alarm includes determining if the mobile unit has moved during a predetermined time period (col.10 lines 17-55 and col.11 lines 49-55).

Regarding claim 10, Flick teaches a system for providing status information from a mobile unit, comprising:

- an all-inclusive container with a connector for an external power source(21 Fig.2, col.5 lines 19-25 and col.7 lines 4-25).
- an internal power supply (54 Fig.2)
- an internal global positioning receiver connected to the internal power supply(42 fig.2)
- an internal processor coupled to the global positioning receiver wherein the processor determines a broadcast criteria based upon a plurality of programmable criterions wherein the programmable criterions and associated report intervals are alterable via remote commands (40 Fig.2,col.8 lines 20-59, col.10 lines 17-67, and col.11 lines 6-55);
- internal memory coupled to the processor wherein the memory stores the programmable criterions and associated report intervals (52 Fig.2);
- an internal radio modem coupled to the processor operable to receive remote commands to alter the programmable criterions and associated report intervals and
- an internal antenna coupled to the radio modem (42 and 44 Fig.2).

Regarding claim 11, Flick teaches a system for providing status information from an intelligent mobile unit, comprising:

- an all-in-one box mobile unit(Fig.2) comprising:
 - a container with an external power source connection(21 Fig.2) and at least one external sensor signal connection(25 and 42 Fig.2) comprising:
 - an internal power supply(54 Fig.) chargeable by the external power source(61 fig.2));
 - an internal global positioning receiver connected to the internal power supply (42 Fig.2);

an internal processor coupled to the global positioning receiver wherein the processor transmits current status data based upon a plurality of programmable criteria wherein the programmable criteria and associated report intervals are alterable via remote commands (40 Fig.2, col.8 lines 20-59, col.10 lines 17-67, and col.11 lines 6-55); internal memory coupled to the processor wherein the memory stores the programmable criteria and associated report intervals (52 Fig.2); an internal radio modem coupled to the processor operable to receive remote commands to alter the programmable criteria and associated report intervals and an internal antenna coupled to the radio modem (42 and 44 fig.2); a wireless network wherein the wireless network receives wireless data packets transmitted from the radio modem (38, 42, and 44 Fig.2); a host system that receives data packets from the wireless network and stores the data packet information on a storage mechanism (30 Fig.1); a global computer network for delivering a status request to the host system wherein the global computer network delivers the status information based upon the stored data packet information (Fig.1 and 38 Fig.2).

Response to Arguments

2. Applicant's arguments with respect to claims 1-8 and 10-11 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

Art Unit: 2645

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T Phan whose telephone number is 703-305-3206. The examiner can normally be reached on M-TH 9:00-6:30, in every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on 703-305-4895. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JTP
April 29, 2004



FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

